

IN THE HIGH COURT OF BOMBAY AT GOA

APPLN. FOR APPOINTMENT OF ARBITRATOR NO. 6 OF 2007

METSIL EXPORTS PRIVATE LIMITED	... Applicant
Versus	
MRS. BARBARA ELIZABETH SIMOES E VON STARANBURG NIEDENTHAL AND ANR.,	... Respondents

Mr. S. D. Padiyar, Advocate for the applicant.
Mr. Anthony D' Silva, Advocate for the respondents No.1 & 2.

Coram:- R. S. MOHITE, J.

Date:- 12th October, 2007

P.C.

Heard both sides. It is agreed by both sides that the arbitral disputes exists. Both sides also agreed that there exists an arbitration clause being clause No.12 of the raising agreement executed by and between the parties dated 22.12.2004. On behalf of applicant, retired Justice Dr. B. P. Saraf has been appointed as arbitrator and he has accepted to act as arbitrator. On behalf of respondents retired Justice Mr. Euric Da Silva has accepted to act as an arbitrator. Both the parties have no objection about the arbitrators suggested by each other.

In the circumstances, retired Justice Dr. B. P. Saraf and retired Justice Mr. Euric Da Silva are appointed as arbitrators and the dispute between the parties pertaining to the alleged termination of the raising agreement dated 22.12.2004 and the consequences thereof is referred to the arbitration. The arbitrator shall fix their own costs. The arbitration is to be conducted in accordance with the terms contained in clause 12 of the aforesaid raising contract.

Application disposed off.

R. S. MOHITE, J.

SMA